

The present invention as now defined by amended claims 1, 10 and 19, and claims dependent therefrom, is not fully disclosed in the '196 patent in view of Bright as discussed in more detail hereinbelow with regard to the § 102(b) rejection. Reconsideration and withdrawal of the rejection is requested.

Claims 1-19 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner stated that the term "rearward" (in claims 1, 10, and 19) is a relative term which has not been set forth with respect to a structural feature and that the term "increasing" (in claim 4) has not been compared to anything.

Claims 1, 10, and 19 have been amended to define the term "rearward" relative to structural features in the claim. Claim 4 has been amended to remove the term "increasing". Reconsideration and withdrawal of the rejection is requested.

Claims 1, 2, 5, 6-13, and 16-19 were rejected under 35 U.S.C. 102(b) as being anticipated by Schultz '291.

In figure 5, Schultz discloses a pivot latch having flared tabs 8 which extend from the side walls and the end walls. The tabs 8 are shaped so that the pivot latch can be pushed downwardly into a slot of a hollow sash until the tabs 8 catch the top of the sash. Accordingly, the pivot latch has vertical camming surfaces, that is, the bottom of the tabs slope outwardly in an upward direction.

Amended claim 1 and claims dependent therefrom are allowable because they each require that "each retainer is beveled at its rearward end such that the rearward end of the retainer slopes outwardly in a direction toward the forward end of the retainer from the side wall to the outer side of the retainer to define a rearward camming surface". No prior art of record reasonably discloses or suggests the present invention as now defined by amended claim 1.

Amended claim 10 and claims dependent therefrom are allowable because they each require that "each retainer is beveled at its rearward end such that the rearward end of the retainer slopes outwardly in a direction toward the forward end of the retainer from the side wall to the lip to define a rearward camming surface". No prior art of record reasonably discloses or suggests the present invention as now defined by amended claim 10.

Amended claim 19 is allowable because it requires that "each retainer is beveled at its rearward end such that the rearward end of the retainer slopes outwardly in a direction toward the forward end of the retainer from the side wall to the outer side of the retainer to define a rearward camming surface". No prior art of record reasonably discloses or suggests the present invention as now defined by amended claim 19. Reconsideration and withdrawal of the rejection is requested.

Claims 1, 2, and 5-19 were rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admitted prior art in FIGS. 10 and 11.

The pivot latch shown in FIGS. 10 and 11 have retainers 261 which are like those shown in FIG. 5 of Schultz discussed above. The retainers 261 extend from the side walls and the end walls. The retainers 261 are shaped so that the pivot latch can be pushed downwardly into a slot of a hollow sash until the retainers 261 catch the top of the sash. Accordingly, the pivot latch has vertical camming surfaces, that is, the bottom of the retainers 261 slope outwardly in an upward direction.

Amended claim 1 and claims dependent therefrom are allowable because they each require that "each retainer is beveled at its rearward end such that the rearward end of the retainer slopes outwardly in a direction toward the forward end of the retainer from the side wall to the outer side of the retainer to define a rearward camming surface". No prior art of record reasonably discloses or

suggests the present invention as now defined by amended claim 1.

Amended claim 10 and claims dependent therefrom are allowable because they each require that "each retainer is beveled at its rearward end such that the rearward end of the retainer slopes outwardly in a direction toward the forward end of the retainer from the side wall to the lip to define a rearward camming surface". No prior art of record reasonably discloses or suggests the present invention as now defined by amended claim 10.

Amended claim 19 and claims dependent therefrom are allowable because they each require that "each retainer is beveled at its rearward end such that the rearward end of the retainer slopes outwardly in a direction toward the forward end of the retainer from the side wall to the outer side of the retainer to define a rearward camming surface". No prior art of record reasonably discloses or suggests the present invention as now defined by amended claim 19. Reconsideration and withdrawal of the rejection is requested.

Claims 4 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable Schultz.

Claims 4 and 5 are allowable as depending from an allowable base claim as discussed above and for the novel and nonobvious matter contained therein. Reconsideration and withdrawal of the rejection is requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees not included in the enclosed check resulting from this communication, please charge same to our Deposit account No. 16-0820, our Order No. 30866.

Respectfully submitted,

PEARNE, GORDON, McCOY & GRANGER

BY


Richard M. Mescher, Reg. No. 38242

526 Superior Ave. East
Suite 1200
Cleveland, Ohio 44114-1484
(216) 579-1700

May 7, 1999